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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/725,067 | 12/01/2003 | Michael Dreja | H 5118 PCT/US | 2749 |

55495 7590 05/02/2006

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| EXAMINER |
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METZMAIER, DANIEL S

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| ART UNIT | PAPER NUMBER |
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1712

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding..



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| EXAMINER |
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| ART UNIT | PAPER |
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20060427

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Commissioner for Patents

Non-responsive amendment

The reply filed on February 13, 2006 is not fully responsive because it fails to include a complete election of the species required. The species requirement sets forth the requirement for a single disclosed species. This means a single disclosed species for each of the (1) carrier molecules, (2) one or more active substances, (3) sol/gel precursors, (4) composition form.

For possible species; see (1) claims 37-38 for the carrier molecules, (2) claim 48 for the one or more active substances, (3) claims 39-47 for the sol/gel precursors, (4) claim 29 for the composition form. The various possible permutatiuons are classified in different areas, require different search areas, and/or are not usable together, e.g., pharmaceutically active agents or vitamins and oxidizing agents.


An attempt to call applicants was made on April 25, 2006 but did not result in a complete election.

Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME LIMIT MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (571) 272-1089. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Daniel S. Metzmaier
Primary Examiner
Art Unit: 1712